IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2239 of 2005

Indubai Shankarrao Dhulubulu ..Petitioenr

V/s

Abdul Gani Siraj Shaikh ... Respondent

WITH

WRIT PETITION NO.2240 of 2005

Indubai Shanarrao Dhulubulu .. Petitioner

V/s

Shivaji Ganpati Vharkal .. Respondent

Ms Leena Patil i/b Shri P.M.Pradhan for Petitioner (in both matters)

CORAM:S.R.SATHE,J.

DATED:6th Feb. 2006

P.C.:-

. Heard learned Advocate for the Petitioner.

. The application is filed by the original plaintiff-landlady, whose suit for possession on the ground of bonafide personal requirement was dismissed and had filed Civil appeal No.189 of 2001.

. On 17-7-2004 she filed an application under Order 41 Rule 27 read with Section 151 of C.P.C. seeking permission to lead additional evidence. According to her in spite of her due diligence she could not get the documents during the pendency of the suit and as she received copies of the same afterwards she filed application for additional evidence. The application was strongly opposed by other side. The first Appellate Court, after hearing both the learned Advocates rejected the application. Hence the plaintiff-landlady has filed the present writ petition.

. The bear reading of the application filed by the plaintiff landlady shows that the same is very vague and no proper grounds have been set out for filing such application at late stage. No justifiable cause is shown for not producing the said documents when suit was pending for about 9 years. Most of the documents are public documents of which landlady could have obtained the certified copies. There is nothing to show that she had made efforts in that behalf or that she received information about the same after the decision of the suit. The first Appellate court has properly considered

the provisions of Order 41 Rule 27 of CPC and rightly rejected the application. There is no error of law in rejecting the application. Hence there is no reason to interfere with the said order by exercising powers under Article 227 of Constitution of India.

. Hence the petitions are rejected.

(S.R.SATHE,J.)